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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,137	12/05/2001	Lynn Hambright	2001P11666 US01	8060

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Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,137

Applicant(s)

HAMBRIGHT ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/05/2001</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 03/20/2006. Claims 1, 7, 9, 15, 17, 23 and 26 have been amended. Claims 1-27 are all pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard (U.S. Patent No. 4,491,725) in view of Provost et al. (hereinafter Provost) (U.S. Patent No. 6,341,265 B1).

A. Claim 1 has been amended to now recite a method for determining payment for provision of multiple different services based on predetermined reimbursement rules, comprising the steps of:

- i. automatically grouping an item identifying said provided service together with an item identifying another service provided to said specific entity based on predetermined service record allocation rules;
- ii. automatically creating a reimbursement record (Pritchard; col. 10, lines 35-45, lines 52-55 and col. 11, lines 10-18) identifying grouped items;
and

Pritchard fails to explicitly disclose "automatically grouping services" per se, since it appears that Pritchard is more directed to verification and processing of insurance claim payments (col. 4, lines 30-34) where the patient and service provider can read the claim payment amount for the collection of services (col. 8, lines 44-47). However, this feature is well known in the art, as evidenced by Provost.

In particular, Provost discloses automatically grouping an item identifying said provided service together with an item identifying another service provided to said specific entity based on predetermined service record allocation rules; (Provost; col. 9, lines 18-58 and Fig.1-3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Provost with the motivation of significantly reduce time, effort and expense that have been associated with the submission of claims that are not in condition to be paid (Provost; col. 3, lines 35-38).

The rest of the claim 1 is not amended, and rejected for the same reasons given in the previous Office Action (page number 2-3), and incorporated herein.

B. Claims 2-6 are rejected for the same reasons given in the previous Office Action (page number 3-4), and incorporated herein. Therefore claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard (U.S. Patent No. 4,491,725) in view of Provost et al. (hereinafter Provost) (U.S. Patent No. 6,341,265 B1).

C. Claim 7 has been amended to now recite a user interface supporting a method for determining payment for provision of multiple different services based on predetermined reimbursement rules, comprising the steps of:

- i. generating a first user selectable menu icon for initiating display of a reimbursement record, said reimbursement record showing data indicating automatically grouped items including an item identifying a service provided to a specific entity together with an item identifying another service provided to said specific entity based on predetermined service record allocation rules; and
- ii. automatically calculating reimbursement amounts for said identified provided service and said other service provided to said specific entity based on a reimbursement contract (Pritchard; col. 10 , lines 35-45, lines 52-55 and col. 11, lines 10-18).

The obviousness of modifying the teaching of Pritchard to include automatically grouping services provided (as taught by Provost) is as addressed above in the rejection of claim 1 and incorporated herein.

Art Unit: 3626

D. Claim 8 is rejected for the same reasons given in the previous Office Action (page number 4-5), and incorporated herein. Therefore claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard (U.S. Patent No. 4,491,725) in view of Provost et al. (hereinafter Provost) (U.S. Patent No. 6,341,265 B1).

E. As per amended claims 9, 15, and 17, the claims are substantially similar in scope to claims 1 and 7, and are rejected on the same basis.

F. Claims 10-14, 16, and 18-22 are rejected for the same reasons given in the previous Office Action (page number 5-9), and incorporated herein. Therefore claims 10-14, 16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard (U.S. Patent No. 4,491,725) in view of Provost et al. (hereinafter Provost) (U.S. Patent No. 6,341,265 B1).

G. Claim 23 has been amended to now recite a method for determining payment for provision of multiple different services to a patient based on predetermined reimbursement rules, comprising the steps of:

- i. Automatically searching for a reimbursement record indicating at least one other service provided to said specific entity;
- ii. Automatically determining whether said identified service as well as said at least one other service provided to said specific entity qualify for reimbursement under a single reimbursement contract;

Pritchard fails to explicitly disclose "Automatically searching for a reimbursement record indicating at least one other service provided

to said specific entity and automatically determining whether said identified service as well as said at least one other service provided to said specific entity qualify for reimbursement under a single reimbursement contract” per se, since it appears that Pritchard is more directed to verification and processing of insurance claim payments (col. 4, lines 30-34) where a file is stored in a system memory and each file having a set of service codes with a claim payment for each service code (col. 3, lines 31-34). However, this feature is well known in the art, as evidenced by Provost.

In particular, Provost discloses automatically searching for a reimbursement record indicating at least one other service provided to said specific entity and automatically determining whether said identified service as well as said at least one other service provided to said specific entity qualify for reimbursement under a single reimbursement contract (Provost; col. 3, lines 25-30, col. 7, lines 14-19, col. 8, lines 1-5 and col. 10, lines 35-52).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Provost with the motivation of significantly reduce time, effort and expense that have been associated with the submission of claims that are not in condition to be paid (Provost; col. 3, lines 35-38).

H. Claims 24-25 are rejected for the same reasons given in the previous Office Action (page number 10), and incorporated herein. Therefore claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard (U.S. Patent No. 4,491,725) in view of Provost et al. (hereinafter Provost) (U.S. Patent No. 6,341,265 B1).

I. Claim 26 has been amended to now recite a method according to claim 23, including the step of:

- i. Automatically grouping said service provided to said specific entity with said at least one other service provided to said specific entity based on two or more of, (a) date of service, (b) patient identifier, (c) type of service, (d) type of patient and (d) patient medical characteristics.

Pritchard fails to explicitly disclose "Automatically grouping said service provided to said specific entity with said at least one other service provided to said specific entity based on two or more of, (a) date of service, (b) patient identifier, (c) type of service, (d) type of patient and (d) patient medical characteristics." per se, since it appears that Pritchard is more directed to verification and processing of insurance claim payments (col. 4, lines 30-34) where the patient and service provider can read the claim payment amount for the collection of services (col. 8, lines 44-47). However, this feature is well known in the art, as evidenced by Provost.

In particular, Provost discloses Automatically grouping said service provided to said specific entity with said at least one other service provided to said specific entity based on two or more of, (a) date of service, (b) patient identifier, (c) type of service, (d) type of patient and (d) patient medical characteristics. (Provost; col. 3, lines 40-50, col. 8, lines 53-58, col. 9, lines 18-58 and Fig.1-3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Provost with the motivation of significantly reduce time, effort and expense that have been associated with the submission of claims that are not in condition to be paid (Provost; col. 3, lines 35-38).

I. Claim 27 is rejected for the same reasons given in the previous Office Action (page number 10-11), and incorporated herein. Therefore claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard (U.S. Patent No. 4,491,725) in view of Provost et al. (hereinafter Provost) (U.S. Patent No. 6,341,265 B1).

Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 3/20/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 3/20/2006.

6. The objection about claim 26 repeating the claim 24 as being duplicate is withdrawn as a result of amendment of claim 26.

A. At pages 8-18 of the 3/20/2006 response, Applicant argues that the newly added features in the 3/20/2006 amendment are not taught or suggested by the applied reference.

In response to the Applicant's arguments, Examiner respectfully submits that Pritchard discloses "calculating a reimbursement amount" on column 10, lines 35-45 and continues on lines 52-55 that the system determines the amount of insurance reimbursement, and with the combined teaching of Pritchard and Provost have overcome the automatically creating a reimbursement record identifying grouped items. In addition, the combined teaching of Pritchard and Provost have overcome the system automatically apply the predetermined allocation rules by the communication between the client computer (service provider) and remote

Art Unit: 3626

server, which is done using internet or any other wide area network infrastructure.

In response to the Applicant's arguments on page 16 about claim 18 and on page 17 for claim 24, Examiner respectfully submits that Pritchard discloses "the patient and service provider can read the claim payment amount that the patient's insurance carrier will pay for a particular service or collection of services", and Pritchard also describes how the claim payment is determined on col. 8, lines 20-36. In addition on col. 8, lines 44-47, Pritchard continues to disclose the patient and service provider obtains the payment information for the service or collection of services.

In response to the Applicant's arguments on page 16 about claim 20, Examiner respectfully submits that Pritchard discloses on col. 9, lines 3-7 that insurance carriers assign the claim payment to the provider only if the provider participates in their plan, and Examiner believes that this is a identifying and prioritizing of the reimbursement contracts, or policies of reimbursement contracts.

In response to the Applicant's arguments on page 17 about claim 22 and page 17 for claim 25, Examiner respectfully submits that Pritchard discloses on col. 5, lines 25-32 the date of last update, which means that each time the information enters the system, it updates the old information, therefore the system sorts them by the date.

The arguments about dependent claims 2-6, 8, 10-14, 16, 19, 21 and 27 are very similar with the arguments about independent claims 1, 7, 9, 15, 17, 23 and 26, therefore have been overcome by combining the teachings of Pritchard and Provost as explained on the rejections above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

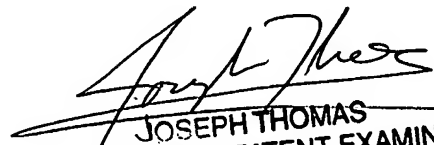
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC

DBC
Art Unit 3626
05/23/2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER